

### **REMARKS**

The Office Action of May 28, 2009 has been carefully reviewed and these remarks are responsive thereto. Claims 1-14 and 21 were canceled previously in response to the Restriction Requirement mailed on July 11, 2008. Claims 15, 19, 34 and 37 have been amended. No new matter has been added. Claims 15-20 and 22-38 remain pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Claim Rejections Under 35 U.S.C. §103***

Claims 15-18 and 31-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aristides *et al.* (U.S. Patent No. 5,630,119, "Aristides") in view of Eyer *et al.* (U.S. Patent No. 5,801,753, "Eyer"). Claims 19, 20 and 22-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aristides in view of Eyer and Hendricks *et al.* (U.S. Patent No. 5,734,853, "Hendricks"). Applicants respectfully traverse these rejections.

Amended independent claim 15 recites, *inter alia*,

forming, for a first plurality of channels, a first program guide information stream, said first program guide information stream comprising a video representation of a first program guide screen displaying programming offered by each of said first plurality of channels...forming, for each of a second plurality of channels, a second program guide information stream, said second program guide information stream comprising a video representation of a second program guide screen displaying programming offered by each of said second plurality of channels...and providing, to said at least one information subscriber equipment, said first and second program guide information streams, said first and second program guide information streams being temporally aligned according to said predetermined time period, wherein the second program guide screen and the first program guide screen are configured for non-simultaneous display.

The cited references, taken separately or in combination, fail to teach or suggest these features. For example, nowhere does Aristides, Eyer or Hendricks teach or suggest a first program guide information stream comprising a video representation of a first program guide *screen* and a second program guide information stream comprising a video representation of a second program guide *screen*, the first and second program guide screens configured for ***non-simultaneous*** display. The Office Action, at p. 2, cites col. 4, ll. 50-67 and col. 5, ll. 40-59 of

Aristides as allegedly describing the formation of two program guide information streams, each comprising a video representation of programming offered by two sets of channels. In particular, the Office Action appears to analogize the time slot buckets of Aristides to the first and second information streams. See, e.g., col. 4, ll. 49-63. Even assuming, without conceding, that such an analogy is valid, there is still no teaching or suggestion in Aristides that the time slot buckets comprise video representations of a program guide *screen*, much less that a first program guide screen and a second program guide screen are configured for non-simultaneous display. Indeed, Aristides clearly describes that programs for a particular time slot are requested by the EPG from the headend and inserted into the EPG. Col. 4, ll. 61-63, col. 5, ll. 43-59. The headend in Aristides merely transmits the individual program items for requested time slots (or buckets) and modifies the pre-existing EPG accordingly. *Id.* In contrast, claim 15 recites forming two information streams.

Further, even assuming, without conceding, that the buckets may be properly analogized to program guide screens, there is still no teaching or suggestion that the buckets are configured for *non-simultaneous display* as recited in claim 15. In fact, Aristides clearly illustrates that multiple buckets or time slots are displayed simultaneously. See, e.g., FIG. 4. Accordingly, claim 15 is allowable for at least these reasons.

Claims 34 and 37 have been amended similar to claim 15 and are thus allowable for at least the same reasons as claim 15.

Amended independent claim 19 recites, *inter alia*,

retrieving, from a memory, a graphic overlay comprising a plurality of graphic objects, each of said plurality of graphic objects having a predefined display position visually cooperative with a display position of a corresponding video object, said graphic objects being active to selectively emphasize one of said video objects; and displaying, on a presentation device, said first program guide information stream of said identified physical channel and said graphic overlay.

The Office Action concedes that Aristides does not teach or suggest retrieving a graphic overlay comprising a plurality of graphic objects having a predefined display position visually cooperative with a display position of a corresponding video object. To allegedly cure this deficiency, the Office Action cites Hendricks and, in particular, Hendricks' description of templates. The Office Action analogizes Hendricks' templates to the graphic overlay and asserts that at least part of the template highlights a customer's selection of a program. However,

amended claim 19 recites that the graphic overlay and the included graphic objects are displayed. While Hendricks describes that menu templates may be used to create menus (col. 11, ll. 50-56), nowhere does Hendricks teach or suggest that the template itself is displayed or even displayable. Furthermore, Hendricks does not teach or suggest that the templates include graphic objects. Hendricks merely describes that the menu templates represent different portions of a whole menu and, as noted above, may be used to create a menu. Col. 11, ll. 50-56. Clearly, Hendricks lacks any support for the assertion that the templates include displayable graphic objects, as recited in claim 19. Accordingly, claim 19 is allowable for at least these reasons.

Claims 16-18, 31 and 32 are dependent on claim 15, claims 20, 22-30 and 33 are dependent on claim 19, claims 35 and 36 are dependent on claim 34 and claim 38 is dependent on claim 37. Claims 1-18, 20, 22-33, 35, 36 and 38 are thus allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein.

### **CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account 19-0733 in the appropriate amount.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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